

App. No.: 09/847,016
Art Unit: 2195

REMARKS

In the foregoing amendments, claims 1, 3-5, 7, 8, 18-21, 32, 41-43, and 48 are amended; and claims 27, 30, 38-40, 44-47, 49-58 are canceled without prejudice, disclaimer, or waiver. Claims 1, 3-5, 7, 8, 18-21, 32, 37, 41-43, and 48 are now pending in the present application.

I. Response to 35 U.S.C. §103 Rejections

Claims 1, 3-5, 7, 8, 18-21, 27, 30, 32, and 37 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Lofberg* (U.S. Patent No. 4,595,950). Claims 38-40 and 44-56 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Citta* (U.S. Patent No. 4,554,579) in view of *Lofberg*. Also, claims 41-43, 57, and 58 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Citta* in view of *Lofberg*, and further in view of *Beyers et al.* (U.S. Patent No. 5,724,525).

Claims 27, 30, 38-40, 44-47, and 49-58 have been canceled by amendment herein. Therefore, the rejection of these claims is rendered moot. With respect to claims 1,3-5, 7, 8, 18-21, 32, 37, 41-43, and 48, Applicant respectfully traverses each 35 U.S.C. §103(a) rejection because *Lofberg*, *Citta*, and *Beyers et al.*, taken alone or in combination, fail to teach or suggest each and every aspect of the claimed subject matter.

A. Claims 1, 2-5, 7, 8, 18, 41-43, and 48

Independent claim 1 is reproduced below:

1. *A digital home communication terminal (DHCT) of a cable television system, the DHCT comprising:*

a memory located in the DHCT for storing subscriber identification information; and

a processor located in the DHCT, the processor configured to receive the subscriber identification information from the memory and a media presentation from a media services server device of the cable television system;

App. No.: 09/847,016
Art Unit: 2195

wherein the processor is further configured to insert the subscriber identification information into the media presentation;

wherein the processor is configured to insert textual information of the subscriber identification information into the media presentation during a vertical blanking interval of the media presentation; and

wherein the processor is further configured to ensure that the textual information of the subscriber identification information is completely undetectable to a viewer of the media presentation throughout an entire presentation of the media presentation.

(Emphasis added)

Lofberg fails to teach or suggest the above-highlighted features of claim 1. Particularly, claim 1 is directed to a **digital home communication terminal (DHCT)** comprising a **memory** and a **processor** each located in the DHCT. *Lofberg* does not teach or suggest a DHCT comprising a memory and processor. Rather, *Lofberg* is directed to a system for protecting against copying of video and/or audio information. The system of *Lofberg* includes a record carrier RC that stores coded information (CINF) and a separate data carrier ID that stores a personal identification code. However, as a whole, the system of *Lofberg* does not include the claimed DHCT, which is intended to be interpreted according to its ordinary meaning.

More particularly, claim 1 recites that the memory of the DHCT is configured to **stor[e] subscriber identification information**. *Lofberg* does not store subscriber identification information in memory of a DHCT as claimed.

Also, claim 1 recites **a processor located in the DHCT, the processor configured to receive the subscriber identification information from the memory and a media presentation from a media services server device of the cable television system**. *Lofberg* does not teach or suggest a processor of a DHCT configured to receive subscriber identification information from a memory of the DHCT. Also, *Lofberg* does not teach or suggest a processor of a DHCT configured to receive a **media presentation from a media services server device of the cable television system** as claimed.

App. No.: 09/847,016
Art Unit: 2195

For at least these reasons, it is believed that *Lofberg* fails to teach or suggest each and every aspect of independent claim 1. Furthermore, *Citta* and *Beyers et al.* do not overcome every deficiency of *Lofberg*, as mentioned above. Obviousness cannot be established by combining the teachings of the references to produce the claimed features absent some teaching or suggestion supporting the combination. Teachings of the references can be combined only if there is some suggestion or incentive to do so.

Although *Citta*, *arguendo*, appears to be directed to a two-way cable television system, *Citta* fails to teach or suggest a DHCT comprising a memory *for storing subscriber identification information* and a *processor configured to receive the subscriber identification information from the memory and a media presentation from a media services server device of the cable television system*. Instead, *Citta* appears to transmit downstream from a headend signals that include certain types of information. *Citta* does not store subscriber identification information in the memory of a DHCT as claimed. Also, *Citta* fails to teach or suggest a processor configured to receive subscriber identification information *from the memory* and also receiving a media presentation *from a media services server device* as claimed. Regarding the *Beyers et al.* reference, *Beyers et al.* also fails to teach or suggest the above-noted aspects of claim 1.

Since the combination of references does not teach or suggest every aspect of independent claim 1, it is believed that claim 1 is allowable over the combination. Also, claims 3-5, 7, 8, 18, 41-43, and 48 are believed to be allowable for at least the reason that they depend directly or indirectly from allowable independent claim 1.

B. Claims 19-21, 32, and 37

Independent claim 19 is reproduced below:

19. A method for inserting subscriber identification information into media presentations, the method comprising steps of:
- receiving subscriber identification information;
 - storing the subscriber identification information in memory of a digital home communication terminal (DHCT) of a cable television system;*
 - receiving a subscriber request for a media presentation at the DHCT;

App. No.: 09/847,016
Art Unit: 2195

receiving the media presentation from a media services server device of the cable television system;

inserting the subscriber identification information into the media presentation, wherein inserting the subscriber identification information occurs at the DHCT, and wherein the DHCT inserts textual information of the subscriber identification information into the media presentation during a vertical blanking interval of the media presentation; and

configuring the textual information of the subscriber identification information to be completely undetectable to a viewer of the media presentation throughout an entire presentation of the media presentation.

(Emphasis added)

Lofberg fails to teach or suggest the above-highlighted features of claim 19. For example, claim 19 recites the step of *storing the subscriber identification information in memory of a digital home communication terminal (DHCT) of a cable television system*. *Lofberg* is directed to a system involving an information signal on a record carrier and is silent regarding a DHCT of a cable television system. *Lofberg* does not teach or suggest storing subscriber identification information in the *memory of a DHCT* as claimed.

Also, claim 19 includes the step of *inserting the subscriber identification information into the media presentation, wherein inserting the subscriber identification information occurs at the DHCT*. Although *Lofberg* appears to introduce a personal identification code into the information signal, *Lofberg* does not insert subscriber identification information into a media presentation *at the DHCT* as claimed.

For at least these reasons, it is believed that *Lofberg* fails to teach or suggest every aspect of claim 19. Applicant therefore contends that claim 19 is allowable over the cited reference. Also, claims 20, 21, 32, and 37 are believed to be allowable for at least the reason that they depend directly or indirectly from independent claim 19.

App. No.: 09/847,016
Art Unit: 2195

C. Official Notice

With respect to claims 1 and 19, the Office Action takes Official Notice that a vertical blanking interval (VBI) is a well known time space of a signal and that the actual inserting of textual information into a VBI is well known. Firstly, it should be noted that the claims 1 and 19 recite that *textual information of the subscriber identification information* is inserted into the media presentation during a vertical blanking interval of the media presentation. These claim recitations are not the same as the statement of well known art used in the Office Action.

Nevertheless, assuming *arguendo* that the statement of well-known art were the same as the claims, Applicant still objects to the noticed statement because it is not capable of instant and unquestionable demonstration as being well-known. The basis for the finding does not include specific factual findings predicated on sound technical and scientific reasoning to the support the conclusion. In the context of the claimed combination that includes textual information of subscriber identification information, the subject matter alleged to be well-known is too complex for a reasonably skilled person to consider it to be well-known to the point that no additional evidence is needed. Also, the specific claim features that are alleged to be well known are too specific and detailed to be well-known. In other words, the finding is too exact for a reasonably skilled person to consider such subject matter to be well-known.

With respect to claims 3, 5, 40, 45, and 46, the Office Action also takes Official Notice that a presentation and subscriber information are transmitted or requested via out-of-band pathways or in-band pathways. The noticed fact is not capable of instant and unquestionable demonstration as being well-known. The basis for the finding (in addition to the finding itself) did not include specific factual findings predicated on sound technical and scientific reasoning to the support the conclusion, evidencing it not being well-known, in the context of the claimed combination. The claimed subject matter alleged to be well-known is too complex for a reasonably skilled person to consider it to be well-known to the point that no additional evidence is needed. What is alleged to be well-known is too specific and detailed to be well-known. In other words, the finding is too exact for a reasonably skilled person to consider such subject matter to be well-known.

App. No.: 09/847,016
Art Unit: 2195

With respect to claims 48 and 49, the Office Action also takes Official Notice that an MPEG transport stream having a program map is well-known multimedia transport stream. The noticed fact is not capable of instant and unquestionable demonstration as being well-known. The basis for the finding does not include specific factual findings predicated on sound technical and scientific reasoning to support the conclusion. In the context of the claimed features of subscriber information being transmitted as part of a data packet of an MPEG transport stream, where the data packet includes a program map table that facilitates a media services client device to locate the subscriber identification information, the subject matter alleged to be well-known is too complex for a reasonably skilled person to consider it to be well-known to the point that no additional evidence is needed. What is alleged to be well known is too specific and detailed to be well-known. In other words, the finding is too exact for a reasonably skilled person to consider such subject matter to be well known.

II. References Made of Record

The references made of record have been considered, but are not believed to affect the patentability of the presently pending claims.

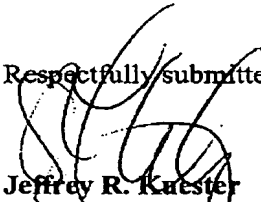
App. No.: 09/847,016
Art Unit: 2195

CONCLUSION

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1, 3-5, 7, 8, 18-21, 32, 37, 41-43, and 48 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned at (770) 933-9500.

Respectfully submitted,


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